

Chapter III

Troubleshooting and Advocating

Troubleshooting and advocating for someone can take many forms. In some cases, it means helping a client understand a letter from a government agency or helping someone organize information in such a way that it can be presented to an agency. In other cases, it means talking through a person's situation with an agency representative and resolving misunderstandings between the agency and the client. In yet other cases, it means accompanying a client to an agency hearing and helping her present her case.

In your role as a lay advocate, you can provide an extremely valuable service to a person who is intimidated, embarrassed, or feels defeated by the programs of public assistance and the agencies that administer them. Through your interaction with a client, you can assure her that:

- It is “OK” to seek assistance from the government at a time when she can't provide for herself; she contributed her share to society when she was able.
- Even if she was denied benefits during a past application, she may be eligible now; the agencies sometimes make mistakes, the rules change and people's situations change.
- There are people, including you, who can help her through the process so it does not seem so scary or inaccessible.

Nevertheless, there is no way around it: the public benefits programs are complicated! It's easy for people to give up when they are faced with intricate application processes or don't comprehend letters they receive from agencies. It's especially easy for a person who is frail or uneducated or without much personal support. With an advocate ready to help, however, the process can be much easier.

To be a successful troubleshooter and advocate, you need to take a careful and objective look at the situation. The following are some likely scenarios:

- An elderly woman gets no assistance other than Social Security benefits and can't make ends meet. She wants advice about what programs might be available to her.
- An man with a disability applied for a program and got a letter saying his application couldn't be processed because the agency didn't get all the information it needed. He thought he gave them everything.
- A woman applied for a particular program and received a letter denying the application. She doesn't understand why she was turned down.

Through the interview process, you should get an overall sense of the client's problem and goals. Then you must engage in a methodical process to analyze the problem and attempt to help the client accomplish her goals.

Understand the Program Rules

Before you begin volunteering as a lay advocate, you need to become generally familiar with the available programs and their rules. Study the reference sections to understand the overall framework for each program. You should not expect yourself to be an expert, but

you should expect to spend enough time with the materials so that you have a good sense of what each program provides, how it works and who is likely to be eligible.

Understand the Facts

The first step involved in understanding the facts is a thorough interview. This will begin with learning, through questioning, about the client's situation and about what the client perceives to be the problem. Documents are usually a significant source of facts in public benefits cases, and they should be reviewed very carefully. If the client has failed to bring the relevant documents—such as letters from the agency—you will have to obtain those documents before you can assume you have a good understanding of the facts.

Usually, the second step involved in understanding the facts is talking with the staff of the agency involved. Most often, this will require you to obtain a written Release of Information from the client, which you will then provide to the agency. (Because the information in a public benefits application is confidential, the agency workers are not permitted to reveal anything from a client's file to anyone else, without the permission of the client. The Release of Information gives the agency permission to reveal the confidential information.

When talking to agency staff, it is important to continue asking questions until you are sure that you understand the client's situation. If the worker uses terms you aren't familiar with, ask what they mean. Ask her to explain the rules that are involved. Review the facts as they were explained to you by the client to determine if everyone agrees about what the facts are. Misunderstandings about facts are frequently the source of the disagreement between an applicant and the agency. Sometimes, once the agency worker understands the facts more completely, the problem can be resolved.

Understand the Procedure

Problems involving public assistance are fraught with procedural questions. Deadlines are of particular significance, as are appeal rights. The following are the procedural questions you should explore:

- Has an application been filed? If so, when?
- Is the agency waiting for more information to process the application? If so, who is supposed to provide it? Is there a deadline for providing the information?
- Has a decision been rendered? If so, when? (Final decisions are always in writing.)
- What is the appeal deadline? Has it passed?
- Has an appeal been requested? If so, has a hearing been scheduled?
- Has a decision on an appeal been rendered? If so, can that decision be appealed?
- Has the client re-applied? It is possible to have both an application and an appeal going at the same time, and it's important to keep them straight.

Proceed in a Systematic Way

Once you have gathered the facts and understand the procedures involved, you can consider a variety of responses. You will first need to decide what roles you are willing to play. Is your role only to provide information and counseling? Are you willing to intervene on behalf of a client by contacting the government agency to obtain or provide information? Will you offer to act as a representative for a client in a hearing? It is up to you to decide the level of involvement you want with each client.

Once you have a sense of what you are willing to do and feel comfortable doing, you can offer your assistance to the client. Assuming you are willing to provide an entire range of services, here are suggestions for how you might approach various situations:

Situation: A client is having trouble making ends meet. She wants to know if she can get any help.

- **Response:** Review the programs of public assistance with the client. If any of them sounds attractive to her, review the personal and financial eligibility sections of this manual to see if it appears possible that she is eligible. Advise her of where to apply for any of the programs she may qualify for. Advise her of what to take with her when she applies, and to come back to see you if she is denied.

Situation: A client has applied for benefits from a program, but has not heard about the results.

- **Response:** Call the agency on behalf of the client. (You will probably need a signed Release of Information to be in the hands of the agency before you can do this successfully.) Find out whether the application is complete or whether it is being delayed because the agency is waiting for additional information from the client. If the latter is the case, assist the client in producing the needed information.

Situation: A client has received a letter from an agency indicating that his application for benefits has been denied. He doesn't understand why.

- **Response:** Read the denial letter carefully. Refer to the reference material on the program involved to become better acquainted with the rules involved in the denial. If you can't understand the reason for the denial, call the staff of the agency involved for a better explanation. Once you understand thoroughly why the application was denied, explain it to the client in language she can understand.

Situation: A client's application for benefits has been denied. She disagrees with the decision.

- **Response:** After you are sure you thoroughly understand the reason for the denial, try to determine what underlies the disagreement. There are several possibilities:
 1. There is a disagreement about the facts. For example, the agency says she owns a second car; the client says she gave the car away. In

this situation, you can help the client prove to the agency that they have misunderstood the facts. For example, you can assist the client in coming up with written statements that help her prove that she no longer owns the car. Helping the client obtain the appropriate forms to change the DMV records would probably help in this situation.

2. There is a disagreement about an interpretation of the facts. For example, the client owns a piece of land with a tax value of \$5,000, which puts the client over the resource limit for the program she's applied for. She says the value is less, because the property is not accessible to any road and has been permanently damaged by a toxic chemical spill. Assist the client in rebutting the presumption that the property is worth at least its tax value. Help the client find a knowledgeable source, such as a real estate broker or an agricultural extension agent, that can examine the land and submit statements about the value of the land. If the statements show that the fair market value of the land is only \$1,000, for example, the client may meet the resource limit.
3. There is a disagreement about policy or law. For example, the income limit for the program is \$500 per month, and the client agrees her income is higher than the limit. She thinks the limit should be higher. In this case, there is nothing you can do. Help the client understand that the limits are set by the government to limit the amount of benefits it pays. The limits apply to everyone and exceptions are not made in individual situations. (Sometimes, the law or policy can be changed. If a client wants to pursue a law change, she should be referred to a lawyer. See below.)

You may be able to resolve a problem informally directly with the agency staff. Sometimes, however, if a decision has already been rendered, the worker who made the decision no longer has the authority to change it. In that case, the decision must be appealed to be changed. The appeal processes for each program are contained with the reference materials.

Make Appropriate Referrals

As a volunteer advising persons with disabilities and older adults, you should become as familiar as possible with other community resources. For problems regarding public benefits that you cannot resolve, an excellent resource is the closest Legal Services office. Legal Services offices cover every county in the state. They provide free legal assistance to low-income and elderly persons. Most offices have a public benefits specialist on the staff. To find out which office covers your county, call (919) 856-2121.

RELEASE OF INFORMATION

I, _____
hereby authorize _____

to release any and all information concerning (describe subject matter)

to the following individual:

Name

Affiliation

I specifically waive my right to confidentiality with regard to any information released to the named individual, and authorize the named individual to use the information in my best interest. The named individual may not re-release the information obtained to any other individual or agency without my specific permission. This release may be revoked, in writing, at any time. If not revoked, it shall remain in effect for one year. A photocopy of this release is as valid as an original.

DATE: _____

SIGNATURE: _____

ADDRESS: _____

